

Kansas Register

Ron Thornburgh, Secretary of State

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Attorney General

Opinion No. 95-31

State Departments; Public Officers and Employees—State Moneys—Pooled Money Investment Board; Investment of State Moneys in Municipal Investment Pool Fund. Representative James E. Lowther, 60th District, Emporia, March 13, 1995.

Under the state moneys law, K.S.A. 75-4201 et seq., the Pooled Money Investment Board is charged with the responsibility of managing and investing state moneys, except as otherwise provided by statute. The municipal investment pool fund established by K.S.A. 1994 Supp. 12-1677a is not a permissible investment of state idle funds as that term is herein defined. However, K.S.A. 1994 Supp. 75-4263 does authorize the Pooled Money Investment Board to invest special funds, as herein defined, in the municipal investment pool. The Pooled Money Investment Board stands in the role of a fiduciary with regard to the various state moneys it is charged to invest. As such, the board has a separate duty of loyalty to the respective beneficiaries of each fund or pool it manages. Cited herein: K.S.A. 1994 Supp. 12-1675; 12-1677a; 40-3403; K.S.A. 40-3406; 74-8901; K.S.A. 1994 Supp. 74-8920; K.S.A. 75-704; K.S.A. 1994 Supp. 75-4201; 75-4205; 75-4208; 75-4209; K.S.A. 75-4210a; K.S.A. 1994 Supp. 75-4213; 75-4221a; 75-4222; 75-4263. LEG

Opinion No. 95-32

Publications, Bibliography and Calendar—Legal Publications—Newspapers in Which Legal Publications May be Made; Statutory Requirements. Representative Richard J. Edlund, 33rd District, Kansas City, March 13, 1995.

The 1994 amendments to K.S.A. 64-101 establish separate and distinct requirements for qualification as the of-

ficial newspaper for a city of the first class, as opposed to the official county newspaper. If there is no newspaper published in the home county of a city of the first class, and if a newspaper otherwise qualifies under K.S.A. 64-101(a)(1) through (3), a city of the first class may utilize the second set of alternative requirements established in K.S.A. 64-101(a)(4). The location where a paper is published must be determined by looking at all the facts surrounding its singular place of origin. Prior Attorney General opinions discussing K.S.A. 12-1651 may provide guidance in interpreting the identical requirements now set forth in K.S.A. 64-101(b). Cited herein: K.S.A. 12-1651; 64-101. TMN

Opinion No. 95-33

Schools—School District Finance and Quality Performance—Local Option Budget; Authorization to Adopt; Limitations; Notification of County Election Officer. Philip E. Winter, Lyon County Counselor, Emporia, March 15, 1995.

The board of education may not delegate to another officer the authority to determine whether to submit to the electorate of the school district a resolution authorizing adoption of a local option budget. Likewise, the board may not delegate to another officer the authority to specify the date of the election for submitting a resolution authorizing the local option budget to the electorate. If the board has, through its rules, regulations or policies, or by direct order, expressed its intention to submit to the electorate resolutions which were the subject of protest petitions, and established a time frame for the date of such elections, the superintendent may apply such directions of the board to a local option budget. Cited herein: K.S.A. 1994 Supp. 72-6433; K.S.A. 72-8202b; Kan. Const., art. 2, § 21. RDS

Carla Stovall Attorney General

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Doc. No. 016082

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Kansas Water Authority

Notice of Meeting

The Kansas Water Authority has scheduled a conference call meeting at 10 a.m. Friday, April 7, at the Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka, to review a contract between the state of Kansas and the Corps of Engineers for water supply storage in Pomona Lake. The Kansas Water Authority also will review a contract between the City of Emporia and the City of Hartford for a supply of water from Council Grove Lake through the City of Emporia. Interested persons are invited to participate.

If accommodations are needed for persons with disabilities, notify the Kansas Water Office at the address above, (913) 296-3185 (TTY 913/296-6604), at least two days prior to the meeting. For additional information, contact Terry Duvall at the Kansas Water Office.

John R. Best Chairman

Doc. No. 016077

State of Kansas

Department of Transportation

Notice to Consulting Engineering Firms

The Kansas Department of Transportation is seeking qualified consultant engineering firms for the following project:

Project: 106-K 5575-01 106-K 5575-02

The scope of work is to provide long-term engineering and administrative assistance for the implementation of the Kansas Scenic Byways Program. The consultant will be responsible for planning and presenting workshops, meeting with route sponsors, making field surveys and route evaluations, assisting nominating groups with preparing management plans, attending KSBC meetings, and other assistance as required. The estimated total project cost is \$215,000.

Responses must be received by April 13 for the consultant engineering firm to be considered. Seven signed copies of responses should be mailed to Mike Stock, P.E., Project Control Engineer, Office of Engineering Support, KDOT, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

From firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend a pre-proposal conference. Firms not selected will be notified by letter.

The Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with firms invited to the pre-proposal conference and select one firm with which to negotiate a contract. After a contract has been awarded, the firms not selected will be notified by letter.

It is the policy of KDOT to use the following criteria as the basis for selection of engineering consultant firms:

- 1. Size and professional qualification.
- 2. Experience of staff.
- 3. Location of firm with respect to proposed project.
- 4. Work load of firm.
- 5. Firm's performance record.

E. Dean Carlson Secretary of Transportation

Doc. No. 016064

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1995 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka, 66612, (913) 296-4096.

Bills introduced March 16-22:

House Bills

HB 2578, by Committee on Appropriations: An act concerning separation compensation for certain state officers and employees; method of computation.

HB 2579, by Committee on Appropriations: An act concerning the school district capital improvements fund; relating to the state aid computation percentage; amending K.S.A. 1994 Supp. 75-2319 and repealing the existing section.

HB 2580, by Committee on Appropriations: An act concerning school district finance; relating to the definition of enrollment; amending K.S.A. 1994 Supp. 72-6407 and repealing the existing section.

HB 2581, by Committee on Appropriations: An act concerning the legislature; relating to the powers, duties and functions of the legislative coordinating council; providing for approval of certain expenditures; amending K.S.A. 46-407a, 46-1202 and 46-1216 and repealing the existing sections.

HB 2582, by Committee on Appropriations: An act concerning insurance; small employer accident and health insurance; rate compression; amending K.S.A. 1994 Supp. 40-2209h and repealing the existing section.

Senate Bills

SB 376, by Committee on Ways and Means: An act concerning the Kansas act against discrimination; authorizing dismissal of certain complaints filed under such act.

SB 377, by Committee on Ways and Means: An act relating to counties; providing for the issuance of general obligation bonds for certain road, bridge or culvert work; amending K.S.A. 68-1103 and repealing the existing section.

SB 378, by Committee on Ways and Means: An act concerning the Kansas sentencing commission; membership; amending K.S.A. 74-9102 and repealing the existing section.

Senate Resolutions

SR 1818, A resolution congratulating and commending the Brown County Special Education Cooperative on the excellence of its teachers and programs.

SR 1819, A resolution congratulating and commending the Frontenac High School football team and Coach Leon Miller for winning the 1994 Class 2-1A State Football Championship in Kansas.

SR 1820, A resolution congratulating and commending Jones Realty on its 90th anniversary in the real estate business in Pittsburg.

SR 1821, A resolution congratulating and commending the Emporia High School wrestling team and Coach Curtis Simons for winning the 1995 Kansas State High School Activities Association Class 6A State Wrestling Championship.

SR 1822, A resolution supporting federal legislation to approve the National Highway System.

State Employees Health Care Commission

Notice of Meeting Cancellation

The Kansas State Employees Health Care Commission has cancelled the meeting scheduled for 1 p.m. Monday, April 3, in Topeka.

Sheila Frahm Chairperson

Doc. No. 016080

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1994 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 4-3-95 through 4-9-95

| Term | Rate |
|-----------|-----------------------------------|
| 0-90 days | 6.01% |
| 3 months | 5.81% |
| 6 months | 6.09% |
| 9 months | 6.30% |
| 12 months | 6.42% |
| 18 months | 6.50% |
| 24 months | 6.62% |
| 36 months | 6.76% |
| 48 months | 6.87% |
| | Sally Thompson State Treasurer |

Doc. No. 016070

State of Kansas

Department on Aging

Request for Proposals for In-Home Nutrition Services

The Kansas Department on Aging is currently accepting proposals for in-home nutrition services funded by state resources for the program period July 1, 1995 through June 30, 1996. Complete proposals must be received on or before 5 p.m. May 1.

The In-Home Nutrition Program provides at least one home-delivered meal per day containing one-third of the current recommended dietary allowance five or more days a week to individuals age 60 or older who are home-bound and unable to prepare their meals. Programs may be funded in all areas of the state; however, priority will be given to maintaining services in areas currently served by the In-Home Nutrition Program.

Organizations interested in receiving a request for proposal should contact Tamara Tiemann, R.D., Nutrition Specialist, Kansas Department on Aging, Room 150, Docking State Office Building, 915 S. W. Harrison, Topeka, 66612-1500, (913) 296-4986.

Thelma Hunter Gordon Secretary of Aging

Doc. No. 016066

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

Tuesday, April 11, 1995 #50159

RISC symmetric multiprocessor system

William H. Sesler Director of Purchasing

Doc. No. 016067

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 2 p.m. April 19, and then publicly opened:

District One—Northeast

Atchison—159-3 K-5030-01 - U.S. 159, Grasshopper Creek bridge 25 and drainage bridge 24, north of the west junction of K-9, bridge replacement. (Federal Funds)

Brown—20-7 K-4906-01 - K-20, from the west city limits of Horton, east to the junction of U.S. 73, 0.5 mile, pavement reconstruction. (State Funds)

Doniphan—238-22 K-5264-01 - K-238, from the new U.S. 36 interchange, northeast to existing K-23, 0.5 mile, grading and surfacing. (Federal Funds)

Doniphan—36-22 K-4442-01 - U.S. 36, from the junction of U.S. 36 and Local Road southwest of Elwood, then south, grading, bridge and surfacing. (State Funds)

Johnson—35-46 K-4088-02 - I-35, from the U.S. 169 and K-7 interchange, northeast to I-35 and K-150, 3 miles, grading, bridge and surfacing. (Federal Funds)

Johnson—46 N-0009-01 - Nall Avenue from 119th to 135th Street, 2 miles, grading, bridge and surfacing. (Federal Funds)

Johnson—46 N-0041-01 - Intersection of 91st Street and Metcalf Avenue in Overland Park, grading and surfacing. (Federal Funds)

Riley—16-81 K-5505-01 - K-16, bridge 17, Tuttle Creek Reservoir, 2.2 miles east of U.S. 77, bridge repair. (State Funds)

Wabaunsee—99 C-1982-01 - County road, 1.7 miles south of Maple Hill, 0.1 mile, bridge replacement. (Federal Funds)

District Two-Northcentral

Dickinson—4-21 K-5498-01 - K-4, Culvert 538, 1.2 miles east of K-43, culvert repair. (State Funds)

Geary—31 C-3108-01 - County road, 4 miles south and 2.5 miles east of Junction City, 0.2 mile, grading and bridge. (Federal Funds)

Geary—31 K-1316-05 - Milford Reservoir, existing roads, parking lots and boat ramp, surfacing. (State Funds)

Geary—31 K-1316-06 - Milford Reservoir fish hatchery complex roads, surfacing. (State Funds)

Lincoln—53 C-3144-01 - County road, 2.9 miles west of Westfall, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Mitchell—14-62 K-4908-01 - K-14, Hersey Avenue from Third Street north to Eighth Street in Beloit, 0.4 mile, pavement reconstruction. (State Funds)

Ottawa—81-72 K-4428-01 - U.S. 81, end of the fourlane north to the Ottawa-Cloud county line, 14.4 miles, grading and bridge. (State Funds)

Ottawa—81-72 K-5530-01 - U.S. 81, bridges 38 (west lane) and 39 (east lane) over the Union Pacific Railroad, bridge repair. (State Funds)

Republic—36-79 K-5836-01 - U.S. 36, culvert 500, 3 miles east of the Jewell-Republic county line, culvert repair. (State Funds)

Republic—81-79 K-5848-01 - U.S. 81, culvert located 2.5 miles north of the junction of U.S. 36 and U.S. 81, culvert repair. (State Funds)

District Three—Northwest

Decatur—83-20 K-4910-01 - U.S. 83, 1100 feet south of U.S. 36, north to U.S. 36 in Oberlin, 0.2 mile, pavement reconstruction. (State Funds)

Phillips—9-74 K-5500-01 - K-9, bridge 33 over Crooked Creek, bridge repair. (State Funds)

Sheridan—24-90 K-5513-01 - U.S. 24, bridge 7, South Fork Solomon River, 9.1 miles east of the junction of K-23, bridge repair. (State Funds)

Trego—283-98 K-4624-01 - U.S. 283, First Street to 13th street in WaKeeney, 1 mile surfacing. (State Funds)

District Four—Southeast

Allen—54-1 K-5631-01 - U.S. 54 and Buckeye Street in Iola, traffic signals. (State Funds)

Chautauqua—166-10 K-5537-01 - U.S. 166, bridge 19 over the Little Caney River, bridge repair. (State Funds)

Cherokee. 69A-11 K-5864-01 - Junction of U.S. 69A and K-66 at Riverton, traffic signals. (State Funds)

Franklin—35-30 K-5516-01 - I-35, bridges 31 and 32 over U.S. 50 and K-68, bridge overlay. (State Funds)

Franklin—68-30 K-5525-01 - K-68, bridge 70, Marais des Cygnes River, bridge repair. (State Funds)

Greenwood—96-37 K-3293-01 - K-96, from the east junction of county route 227, east to 5 miles east of the east junction of K-99, 12.2 miles, grading and bridge. (State Funds)

Labette—50 C-3053-01 - County road, 2 miles west and 3.6 miles north of Mound Valley, 0.2 mile, grading and bridge. (Federal Funds)

Labette—59-50 K-5523-01 - U.S. 59, bridge 4, Labette Creek, 1.8 miles north of the west junction of U.S. 166, bridge overlay. (Federal Funds)

Montgomery—160-63 K-5536-01 - U.S. 160, bridge 23 over Drum Creek, bridge repair. (State Funds)

Montgomery—169-63 K-5539-01 - U.S. 169, bridge 50 over Claymore Creek, bridge repair. (State Funds)

District Five—Southcentral

Butler—54-8 K-5518-01 - U.S. 54, bridge 10, west lane over the Burlington Northern Railroad, 0.7 mile east of U.S. 77, bridge repair. (State Funds)

Kingman—54-48 K-5810-01 - U.S. 54, from the Pratt-Kingman county line, east to the west city limits of Kingman, 18.5 miles, recycle. (State Funds)

Pratt—281-76 K-4063-01 - U.S. 281, from county route 5016 north to the 2-lane/4-lane in Pratt, 4.3 miles, grading, bridge and surfacing. (State Funds)

Sedgwick—87 N-0032-01 - West Grand from Main Street to Meridian Street in Haysville, 1 mile, grading and surfacing. (Federal Funds)

District Six—Southwest

Finney—50B-28 K-4645-01 - U.S. 50B, Campbell Street north to Mary Street in Garden City, 0.5 mile, pavement reconstruction. (State Funds)

Ford—56-29 K-4423-01 - U.S. 56, from the south junction of U.S. 56 and U.S. 283, north to K-154 in Dodge City, 2.1 miles grading and surfacing. (State Funds)

Ford—283-29 K-4064-01 - U.S. 283, from the east junction of U.S. 50, north to the Ford-Hodgeman county line, 9.4 miles, grading, bridge and surfacing. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson Secretary of Transportation

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 37,000 cubic yard detention dam, Site 1-1A in Marshall County, will be received by the Vermillion Creek Watershed District No. 70 at King Engineering, Inc., 125 W. 4th, Holton, 66436, until 5 p.m. April 17, or hand carried and submitted prior to bid opening. Bids will be opened at 8:30 p.m. April 17 at the Rural Water District Office, Beattie, (913) 353-2430. A copy of the invitation for bids and plans and specifications can be obtained from King Engineering, Inc., (913) 364-4312, or may be reviewed at the Natural Resources Conservation Service Office in Marysville. A \$25 returnable deposit is required for each set of plans.

Kenneth F. Kern Executive Director

Doc. No. 016062

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, May 4, in the SRS board room, sixth floor, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of proposed changes in existing rules and regulations on a permanent basis effective August 1, 1995.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation five minutes.

The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Copies of the regulations and their economic impact statements may be obtained by contacting Hope Burns, Office of the Secretary, (913) 296-3271.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Barbara Conant at (913) 296-3271 or by calling the Kansas Relay Center at 1-800-766-3777.

The adoption of the August 1, 1995, permanent regulations will take place at 9 a.m. Thursday, May 25, in the

SRS executive conference room, Room 603-N, Docking State Office Building.

A summary of the proposed regulations and their economic impact follows:

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-34. Program. This regulation is being amended to add reference to K.A.R. 30-4-65w in the list of regulations applicable to the state's welfare reform demonstration project.

Economic Impact: See the economic impact statement K.A.R. 30-4-65w.

30-4-63. KanWork program requirements. This regulation is being amended to apply the KanWork provisions to applicants as well as recipients, especially job search participation.

Economic Impact: This change is not expected to have

any discernable economic impact.

This regulation has also been amended to prohibit an adult in a plan based on unemployment of a parent, as provided in 30-4-73(d), from claiming an exemption from KanWork requirements due to providing care for a child under age three.

Economic Impact: This change is not expected to have any discernable economic impact.

30-4-63w. Work program participation. This regulation is being amended to apply the work program provisions to applicants as well as recipients, especially job search participation.

Economic Impact: This change is not expected to have any discernable economic impact.

30-4-64. Work program requirements. This regulation is being amended to apply the work program requirements to applicants as well as recipients, especially job search participation.

Economic Impact: This change is not expected to have

any discernable economic impact.

This regulation has also been amended to prohibit an adult in a plan based on unemployment of a parent, as provided in 30-4-73(d), from claiming an exemption from work program requirements due to providing care for a child under age three.

Economic Impact: This change is not expected to have

any discernable economic impact.

30-4-64w. Work program requirements. This regulation is being amended to apply the work program requirements to applicants as well as recipients, especially job search participation.

Economic Impact: This change is not expected to have

any discernable economic impact.

This regulation has also been amended to prohibit an adult in a plan with two parents, where neither parent is incapacitated, from claiming an exemption from work program requirements due to providing care for a child under age three.

Economic Impact: This change is not expected to have any discernable economic impact.

30-4-65w. KanLearn program. The secretary is adopting a new regulation for purposes of implementing the KanLearn program. This program is a part of the

state's welfare reform waiver and is established to encourage children to complete school and attain a high school diploma or the equivalent of a high school diploma. Participation is limited to persons who are between the ages of 13 and 20 years old. The long-term goal of the program is to prevent the children's future alliance on public assistance. The text of the regulation is set forth below.

30-4-65w. KanLearn program. The KanLearn program shall apply to the geographic areas in the state and the public assistance program as designated by the secretary. The administration of the KanLearn program shall be within the limits of appropriations. (a) Participation

requirements.

- (1) Each assigned recipient shall participate in the KanLearn program which is established to encourage individuals to complete school and attain a high school diploma or the equivalent of a high school diploma. For purposes of this section, the school must be an educational facility certified by the Kansas State Board of Education and the completion of a general educational development (G.E.D.) program shall be considered as the equivalent of a high school diploma.
- (2) Participation shall be limited to an individual who:

(A) Has attained age 13 but not age 20;

(B) has not graduated from high school or attained its equivalent:

(C) is not exempted from attending school under state

(D) is a natural or adoptive parent or other caretaker of a child who is at least 90 days old, is pregnant, or is residing with the the individual's natural or adoptive parent, foster parent, or legal guardian;

(E) has not been suspended or expelled from school, or has such action pending, in accordance with state law, and there is no other school available which the individ-

ual can aftend; and

- (F), will graduate from high school before attaining the age of 20.
 - (b) Incentive payment and support costs.

(1) Incentive payments.

- (A) An incentive payment of no more than \$40 a month may be provided during the appropriate school term to the assigned recipient who:
 - (i) Attends required interviews;
 - (ii) provides required documentation;
 - (iii) meets regular attendance requirements; and
- (iv) maintains a minimum grade average of "C" or its equivalent.
- (B) An incentive payment of no more than \$250 may be provided to the assigned recipient upon attainment of a high school diploma or its equivalent.
- (2) Support costs. Support costs may be provided for participants in accordance with an agency-approved plan and shall include, but not be limited to:
- (A) Transportation expenses necessary for the person to participate;

(B) day care expenses necessary for the person to par-

ticipate; or

(C) other costs necessary for the person to participate including but not limited to books and fees.

- (c) Good cause. Each individual shall be determined to have good cause for failing to participate in the KanLearn program if verification has been presented that one of the criteria listed below has been met:
- (1) The person has a medically determined condition which prevents participation;
- (2) child care necessary for the individual to participate is not available, and the agency fails to provide for such care;
- (3) transportation necessary for the individual to participate is not available, and the agency fails to provide for such transportation;
- (4) the person is incapable of meeting the educational requirements as documented by the school administration; or
- (5) the child is residing with a caretaker or foster parent, is not participating, and such caretaker or parent is not voluntarily preventing the child's participation.
- (d) The effective date of this regulation shall be June 30, 1995. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 4; effective _____)

Economic Impact: This change is expected to benefit approximately 500 children each year and result in increased expenditures of \$979,564 (\$485,656 state general funds)

Bearer of Cost: The taxpayers of the state of Kansas will bear the cost of this increase through appropriated state

funds and federal financial participation.

Affected Parties:

1. This change will impact SRS staff. Funding for 10 new special project positions was appropriated to staff the three-county pilot program.

2. This change will benefit approximately 500 children by encouraging them to attend school and thus avoid fu-

ture dependence on public assistance.

- 3. This change will impact local school districts in three pilot counties. The Department of Social and Rehabilitation Services will depend on the cooperation of local school officials to provide 1) attendance information, and 2) related information on students who have a high risk of non-attending school for the purpose of encouraging attendance.
- 4. This change will benefit the local communities in the pilot counties if the KanLearn project is successful in improving the attendance of the children who have a future risk of public assistance.

Other Methods: The department did not consider other methods of achieving the purpose of these rules and regulations, as the state legislature appropriated funds for this pilot program.

30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GA, and GA-FC. This regulation is being amended to reflect that applicants as well as recipients can be eligible for special allowances. This change is being made to comply with the amendments made to K.A.R. 30-4-63 and 30-4-64, which apply work program requirements to applicants.

Economic Impact: This change is not expected to have

any discernable economic impact.

(continued)

This regulation is also being amended to provide an allowance for special household and childrearing expenses which is derived from donor funds earmarked for the family or is otherwise designated by a donor. This allowance shall not exceed the highest need standard applicable to the family and can cover such expenses as repair or replacement of household items, replacement of clothing, and special pregnancy or newborn child related needs. This amendment helps to implement provisions of 1994 House Bill 2929, specifically new sections 2, 3 and 14.

Economic Impact: It is estimated that, in the first year, these provisions will increase expenditures by \$1,410,496. Of this amount, \$347,947 is attributable to administration including 10 special project positions, and \$1,062,549 is attributable to increased AFDC payments. The state match on these costs are to be met by the donations themselves. It is particularly difficult to predict the major expense, the AFDC payments, since the level of donations will dictate the amount of this figure. This estimate was provided to the 1994 Kansas Legislature.

Bearer of Cost: None.

Affected Parties:

- 1. This change will have minimal impact on SRS staff, as special project positions have been developed to handle the administrative tasks.
- 2. The change will benefit a number of current clients by making available additional benefits for use in meeting basic subsistence needs.
- 3. This change will also benefit those parties who donate funds for these allowances by providing tax deductions for the contributions.
- 4. The change will enhance available federal funds for the AFDC program without a concomitant increase in state funds.

Other Methods: The department did not consider other methods of achieving the purpose of this rule and regulation, as the state legislature mandated implementation of the provision and appropriated funds for support staff.

30-4-120w. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GA and GA-FC. This regulation is being amended to reflect that applicants as well as recipients can be eligible for special allowances. This change is being made to comply with the amendment made to 30-4-64w, which applies work program requirements to applicants.

Economic Impact: This change is not expected to have

any discernable economic impact.

This regulation is also being amended to provide an allowance for special household and childrearing expenses which is derived from donor funds earmarked for the family or is otherwise designated by a donor. This allowance shall not exceed the highest need standard applicable to the family and can cover such expenses as repair or replacement of household items, replacement of clothing, and special pregnancy or newborn child related needs. This amendment helps to implement provisions of 1994 House Bill 2929, specifically new sections 2, 3 and 14.

Economic Impact: See the economic impact statement for K.A.R. 30-4-120.

30-4-140w. Payments. This regulation is being amended to incorporate a penalty in regards to cooper-

ation with the KanLearn program as described in K.A.R. 30-4-65w. Failure to comply with school attendance requirements without good cause shall result in a benefit reduction equal to 10 percent of the need standard or the amount of the incentive payment specified in K.A.R. 30-4-65w(b)(1)(A), whichever is less.

Economic Impact: See the economic impact statement

for K.A.R. 30-4-65w.

Article 6.—MEDICAL ASSISTANCE PROGRAM— CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-111. Applicable income. This regulation is being amended to increase the applicable earned income disregard for persons in long term care. The disregard shall now deduct the first \$65 of monthly earned income plus one-half of the remainder.

Economic Impact: This change is expected to impact approximately 300 institutional clients each month, primarily in the state institutions, resulting in a total annual increase of \$54,360 (\$22,255 state general funds).

Bearer of Cost: The taxpayers of the state of Kansas will bear the cost of this measure through appropriated state and federal funds.

Affected parties:

1. This change will have a moderate administrative impact on SRS staff, as current cases will need to be reviewed and rebudgeted based on the new disregards.

2. This change will benefit approximately 300 clients each month by reducing the amount of their monthly obligation for institutional care and providing an incentive for work activity which can help promote greater

independence.

Other Methods: The department reviewed other methods for achieving the purpose of this rule and regulation, but decided upon this course of action as the best means. This action was prompted by a Legislative Post Audit report published in 1993, which noted inconsistencies in how patient liability policy was applied in the state mental retardation facilities and recommended a change in policy to allow residents who were working to retain more of their earnings to promote greater independence of these residents. Previous policy allowed only the first \$50 to be deducted with the remainder to be applied to liability. Thus, there was no incentive to work since residents were not allowed to retain any of their earnings on a month-to-month basis. Based on the minimal impact this change would have on the agency's budget and the advantages of promoting self-sufficiency and working toward the goal of community placement, this change was seen as better achieving the mission of the agency.

30-6-111w. Applicable income. This regulation is being amended to increase the applicable earned income disregard for persons in long term care. The disregard shall now deduct the first \$65 of monthly earned income plus one-half of the remainder.

Economic Impact: See the economic impact statement for K.A.R. 30-6-111.

Janet Schalansky Acting Secretary of Social and

Rehabilitation Services

Board of Agriculture Division of Weights and Measures

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, May 9, in the board room of the Kansas State Board of Agriculture, 901 S. Kansas Ave., Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed permanent rules and regulations of the Kansas State Board of Agriculture. The proposed permanent rules and regulations will become effective 45 days after their publication in the Kansas Register unless a specified date is contained in the regulation.

All interested persons may attend the hearing and will be given an opportunity to express comments either orally or in writing, or both. In addition, the period of at least 30 days notice constitutes a public comment period for the purpose of receiving public comments on the pro-

posed rules and regulations.

Written comments and requests for copies of the regulations and the complete economic impact statement should be sent to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 901 S. Kansas Ave., Topeka, 66612-1280, at or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Kenneth M. Wilke, Chief Counsel, at (913) 296-3848, or Carole Jordan, Public Information Officer, at (913) 296-3571. Such requests may be made through the Kansas Relay Center (1-800-766-3777).

A summary of the proposed regulations is as follows:

K.A.R. 99-25-1 updates the "National Institute of Standards and Technology Handbook 44" previously adopted by reference to the October 1994 edition.

K.A.R. 99-40-1 establishes definitions necessary for implementation of the petroleum measurement enforce-

ment program regulations.

K.A.R. 99-40-3 outlines information provided to the purchaser of kerosine, motor fuels or fuel oil in bulk at

the time of delivery.

K.A.R. 99-40-46 establishes a standard of identity for certain petroleum products and requires the products comply with any applicable EPA Clean Air Act waivers.

K.A.R. 99-40-47 establishes a standard of identity for

kerosine.

K.A.R. 99-40-48 requires placement of seals on totaliz-

ers used in dispensing devices.

K.A.R. 99-40-49 outlines information required to be in delivery tickets for bulk sales or deliveries of kerosine, motor fuel or fuel oil.

K.A.R. 99-40-50 establishes labeling requirements for retail devices used to dispense kerosine, motor fuel or fuel oil.

K.A.R. 99-40-51 establishes labeling requirements for storage tanks used by retailer for storage of kerosine, motor fuels or fuel oil. This regulation also adopts by reference the most recent version of American Petroleum Institute Publication entitled "API Recommended Practice 1637."

K.A.R. 99-40-52 adopts by reference certain sections of Part 80, Title 40 of the Code of Federal Regulations as published on July 1, 1994.

Regarding the economic impact of proposed regulation K.A.R. 99-40-48, it is estimated that 1 percent (less than 200) of the 23,000 totalizers in the state are presently inoperable. To repair or replace these totalizers will cost less than \$60 per device. Totalizers provide information about the quantity of fuel dispensed through a given dispensing device. They are used to track the total sales of different grades of fuel on a daily, weekly or monthly basis. The placement of seals on the totalizers is to maintain the integrity of the totalizer and the information they provide between annual inspections of the totalizer and the dispensing device by a service company. It is estimated that the cost of security seals will be 2 or 3 cents each for pressure sensitive paper seals. The additional cost to each retail facility may range from 6 cents for a two-hose dispensing device to \$2.40 for a facility with 40 dispensing

Regarding K.A.R. 99-40-48, there will be minimal if any fiscal or economic impact on this agency or other governmental agencies, individuals, private businesses or the general public, except for those individuals or businesses that use dispensing devices in the sale or distribution of petroleum products. For those individuals and businesses affected, the estimated costs are as outlined in the pre-

ceding paragraph.

Regarding the economic impact of proposed regulations K.A.R. 99-40-3 and K.A.R. 99-40-49, two of the 19 pipelines/terminals in Kansas would be required to change their methods of operation to comply with this regulation. At present, their invoices/manifests list all of the required information except for the exact location to which their fuel is delivered. They report that the costs of supplying this information on their manifest would be minimal particularly since regulation permits the location to be reported by listing the facility number issued by the Kansas Department of Health and Environment instead of the full name and street address of the retail establishment.

Regarding K.A.R. 99-40-3 and K.A.R. 99-40-49, there will be minimal if any fiscal or economic impact on this agency or other governmental agencies, individuals, private businesses or the general public, except for those individuals or businesses who need to make additions to their invoices/manifests. For those individuals and businesses affected, the estimated costs are as outlined in the preceding paragraph.

Regarding the economic impact of proposed regulations K.A.R. 99-40-50, K.A.R. 99-40-51, and K.A.R. 99-40-

(continued)

52, except for the provisions of proposed regulation 99-40-51 regarding storage tank labeling, businesses are presently complying with the requirements of these proposed regulations on a voluntary basis. Proposed regulation 99-40-51 would require retailers to label and color code the fill connections for storage tanks. Presently retailers can do one or the other. The cost of labeling fill connections at facilities where they are presently only color coded or color coding fill connections at facilities where they are presently only labeled is estimated to run between \$5 and \$10 per facility.

Regarding K.A.R. 99-40-50, K.A.R. 99-40-51 and K.A.R. 99-40-52, there will be minimal if any fiscal or economic impact on this agency or other governmental agencies, individuals, private businesses or the general public, except for those individuals or businesses selling petroleum products at retail who will be required to label fill connections. For those individuals and businesses affected, the estimated costs are as outlined in the preceding

Regarding K.A.R. 99-25-1, K.A.R. 99-40-1, K.A.R. 99-40-46 and K.A.R. 99-40-47, there will be minimal if any fiscal or economic impact on this agency or other governmental agencies, individuals, private businesses or the general public.

None of these regulations referred to in this notice of hearing are mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program.

In promulgating all of the regulations mentioned in this notice of hearing, the Kansas State Board of Agriculture chose the least costly and least intrusive method for achieving the stated purpose of these regulations.

Copies of these regulations and the current fiscal impact statement may be obtained by writing to Kenneth M. Wilke at the address above. Fiscal impact information may be updated at the time of the hearing after consultation with or receiving input from the League of Municipalities, the Kansas Association of Counties and the Association of School Boards, as required by K.S.A. 1994 Supp. 77-416.

> Alice A. Devine Secretary of Agriculture

Doc. No. 016081

State of Kansas

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for items listed below will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Monday, April 10, 1995 31058

Department of Administration, Division of Facilities Management—Aircraft inspection

31072

Department of Education—Licensed security services 00658 (Rebid)

Department of Transportation—Pen based microcomputers

01149

University of Kansas—Furnish and install carpet and cove base

01150

Wichita State University—Parking lot repairs

01151

Pittsburg State University—Unix processor (6000/ 7013-59H)

01196

Wichita State University—Software system

Tuesday, April 11, 1995 31061

University of Kansas-Laundry services, Watkins Hospital

31062

Winfield State Hospital—Natural gas services

01153

University of Kansas—90 mhz Pentium microcomputers

01154

University of Kansas Medical Center—DNA sequencing system

01161

Department of Transportation—Aggregate (Winfield)

01162

Department of Transportation—Bituminous plant mix (Winfield)

01163

Department of Transportation—Truck utility bodies, various locations 180 8 25

01164

Department of Transportation—Air compressors, various locations 3 Spenie

01165

Kansas Correctional Industries—Belt sander

01183

Kansas State University—Hi-Pro soybean meal

Wednesday, April 12, 1995 31065

Department of Corrections—Badges and uniform rank insignias Ligarine is SEAL STAIN MALES

31066

University of Kansas Medical Center—Animal feed 31067

Emporia State University—Electrical services labor contract

31069

Wichita State University—Janitorial supplies 31073

Fort Hays State University—Charter bus services 31075

Emporia State University—High voltage electrical maintenance contract 7.16 PM 31076

Department of Commerce—Color separation

01172

Department of Transportation—Reflective sheeting

01173

Lansing Correctional Facility—Remote telemetry system installation

01174

University of Kansas—RISC workstations

01178

University of Kansas—Air cooled condenser

01202

Department of Administration, Division of Printing-Fine paper

University of Kansas—Parking hangtags and permits

Thursday, April 13, 1995

Department of Transportation—Arrow boards, Topeka, Hutchinson and Salina

Kansas State University—Client/server library software system

Friday, April 14, 1995

Larned State Hospital—Furnish and install telecommunications cables

Winfield State Hospital—Furnish and install telecommunications cables

01201

University of Kansas Medical Center-Semi-auto console sealer

Kansas Highway Patrol—Low band mobile radio

Kansas State School for the Deaf—Auditory training devices

Wednesday, April 19, 1995

A-7441

Winfield State Hospital—Replace existing paving

Monday, May 1, 1995

Department of Wildlife and Parks—Agriculture lease, Nemaha Wildlife Area ******

Request for Proposals

Monday, April 10, 1995

Purchase and sale of aircraft for the University of Kansas Medical Center

Tuesday, April 11, 1995

Notebook computers for all agencies of the state of Kansas

Thursday, April 13, 1995 00475 (Rebid)

Software development services for the State Banking Commissioner

Thursday, April 20, 1995

Various corrective action plan services for the Department of Health and Environment

Monday, April 24, 1995

31074

Testing services for the Kansas Law Enforcement Training Center at Hutchinson

Monday, May 22, 1995

Comprehensive medical services for Topeka State Hospital

Leo E. Vogel

Acting Director of Purchases

Doc. No. 016078

State of Kansas

Department of Health and Environment

Notice of Proposed Permit Action

Notice is hereby given that GNB Technologies has applied for an air emission construction permit from the Kansas Department of Health and Environment and the Wyandotte County Health Department, Department of Air Quality, to increase battery production at its facility located at 3001 Fairfax Trafficway in Kansas City, Kansas. Emissions from this facility are primarily particulate matter and lead.

Initial assessments on the air pollution potential of the proposed facility and its ability to comply with applicable air pollution regulatory requirements have been completed by the agencies mentioned above. These assessments are now available for public inspection and comment through April 30. GNB Technologies's permit application and the draft permit are available for public inspection during normal business hours at the office of the Department of Air Quality, Wyandotte County Health Department, 619 Ann Ave., Kansas City, Kansas.

Questions or comments on the draft permit should be directed to Stephanie Trickey, Department of Air Quality, Wyandotte County Health Department, 619 Ann Ave.,

Kansas City, 66101, (913) 573-6700.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's issuance. The request must be in writing and addressed to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, before April 30. If the secretary determines there is sufficient reason in the request, a public hearing will be announced in this publication.

> James J. O'Connell Secretary of Health and Environment

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-AG-95-20/24

| | C 140. XCD 110-30- | 4U/4T |
|----------------------------------|----------------------|--|
| Name and Address of Applicant | Legal Description | Receiving Water |
| Blue Hill Feeders, Inc. | S/2, Sec. 5, T10S, | Saline River Basin |
| Robert Brant | R11W, Osborne | |
| 468 County, 412 Drive | County | en de la companya de La companya de la co |

Kansas Permit No. A-SAOB-C001

Lucas, KS 67468

Federal Permit No. KS-0091421

The feedlot has capacity for approximately 450 cattle with expansion planned for an additional 2,050 cattle and a contributing drainage area of approximately 15 acres. This is an expansion of an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 7.8 acre-feet.

Compliance Schedule: None, existing controls adequate.

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|----------------------|--------------------|
| Seaboard Farms | SW/4, Sec. 29, | Cimarron River |
| of Oklahoma, Inc. | W/2, Sec. 21, | Basin |
| Farm Units 3,4,5,6,&7 | SW/4, Sec. 28, | |
| c/o Doug McCright | NE/4, Sec. 33, | |
| 830 Country Estates Road | NW/4, Sec. 27, | |
| | T31S, R40W. | |
| | Morton County | |
| The state of the s | | |

Kansas Permit No. A-CIMT-H001 Federal Permit No. KS-0091341

The proposed facility will have capacity for approximately 35,045 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

| Name and Address | Legal | Receiving |
|-----------------------|---------------|----------------|
| of Applicant | Description | Water |
| Maurice Feldkamp | NW/4, Sec. 1, | Missouri River |
| Route 1, Box 24 | T2S, R11E, | Basin |
| Baileyville, KS 66404 | Nemaha County | |
| · · | | |

Kansas Permit No. A-MONM-S035

The proposed expanded facility will have capacity for approximately 760 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements. Compliance Schedule: None, existing controls adequate.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---------------------------------------|------------------------------|---------------------------|
| Fred Cox, Jr. 8920 S. Simpson Road | NE/4, Sec. 19, T16S, R2W, | Smoky Hill River Basin |
| Assaria, KS 67416 | Saline County | TOVEL DUBIN |
| Kansas Permit No. A-SHS | SA-B006 | |

The feedlot has capacity for approximately 250 cattle and a contributing drainage area of approximately 2.1 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 1 acre-feet.

Compliance Schedule: None, existing controls adequate.

| Name and Address | Legal | Receiving |
|------------------|----------------|--|
| of Applicant | Description | Water |
| Ken Nelson | SE/4, Sec. 17. | Marais des |
| 35910 W. 263rd | T16S, R22E, | Cygnes River |
| Paola, KS 66071 | Miami County | Basin |
| | | The second of th |

Kansas Permit No. A-MCMI-B002

The feedlot has capacity for approximately 400 cattle and a contributing drainage area of approximately 4 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 2.4 acre-feet.

Compliance Schedule: Dewatering equipment shall be obtained within 30 days after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 120 gallons per minute and dispersing the wastewater over 50 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka, 66620. All comments postmarked or received on or before April 28 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-95-20/24) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

James J. O'Connell Secretary of Health and Environment

(Published in the Kansas Register March 30, 1995.)

Notice of Redemption Industrial Development Revenue Bonds (Golden Plains Convalescent Center, Inc.) Series D, 1979, Dated November 1, 1979 of the

City of Hutchinson, Kansas

Notice is hereby given that pursuant to Section 5 of Ordinance No. 6761 of the City of Hutchinson, Kansas, the following outstanding Industrial Development Revenue Bonds, Series D, 1979 (Golden Plains Convalescent Center, Inc.) of the City of Hutchinson, Kansas, maturing on and after May 1, 1999, have been selected by lot by the trustee for redemption and prepayment on May 1, 1995 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein.

| Bond Numbers | Maturity Date | Interest Rate |
|--------------|---------------|---------------|
| 81 | May 1, 1999 | 9.5% |
| 82 | May 1, 1999 | 9.5% |
| 97 | May 1, 1999 | 9.5% |
| 98 | May 1, 1999 | 9.5% |
| 128 | May 1, 1999 | 9.5% |
| 134 | May 1, 1999 | 9.5% |
| 137 | May 1, 1999 | 9.5% |
| 146 | May 1, 1999 | 9.5% |
| 179 | May 1, 1999 | 9.5% |
| 185 | May 1, 1999 | 9.5% |
| 196 | May 1, 1999 | 9.5% |

The principal amount of the above described 1979 Bonds shall become due and payable on May 1, 1995, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, without premium.

On May 1, 1995, provided that funds are on hand to pay the specified redemption price, the selected 1979 Bonds will be due and payable at the principal office of the First National Bank of Hutchinson, Hutchinson, Kansas, and from and after May 1, 1995, all interest on the selected 1979 Bonds will cease to accrue. All coupons maturing subsequent to May 1, 1995, must be attached to and surrendered with said selected 1979 Bonds.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, as amended, paying agents making payments of principal on municipal securities will be obligated to withhold 31 percent of the payment of principal to holders who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment.

Dated March 22, 1995.

First National Bank of Hutchinson One N. Main, P.O. Box 913 Hutchinson, KS 67504-0913 As Trustee

Doc. No. 016076

(Published in the Kansas Register March 30, 1995).

NOTICE OF REDEMPTION

City of Kansas City, Kansas Single Family Mortgage Revenue Bonds 1980 Series A

NOTICE IS HEREBY GIVEN by Security Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66101, (the "Trustee") that, pursuant to Section 3.01 of the Trust Indenture of The City of Kansas City, Kansas, Single Family Mortgage Revenue Bonds, 1980 Series A, that a total of \$550,000 principal amount of the Bonds is being called for redemption on May 1, 1995 at the redemption price of 100 percent of the principal amount plus accrued interest thereon to the redemption date. This Notice was first published on Thursday, March 30, 1995 in the Kansas Register and Redemption Digest and Securities Industry Daily.

and Redemption Digest and Securities Industry Daily.

The serial numbers of the Bonds to be redeemed are as follows: (NOTE: Coupons due May 1, 1995 should be presented in the normal manner. Coupons due November 1, 1995 and all subsequent coupons must be attached to bonds called for redemption.)

CUSIP No. 484770 BL5, Due 05/01/2012 (\$5,000 each)

<u>Bearer Bonds</u> 2085 2286 3429 3447 3476 3593 3797 3903 4275 6356 6372 6624 6663 6806 7137

 Registered Bonds called in the amount indicated below

 R469
 \$5,000
 R475
 \$5,000
 R529
 \$5,000
 R543
 \$5,000

 R582
 5,000
 R616
 5,000
 R628
 340,000
 R629
 20,000

CUSIP No. 484770 BN1, Due 05/01/1996 (\$5,000 each)

<u>Bearer Bonds</u> 1237 1260 1286 1325

CUSIP No. 484770 BP6, Due 05/01/1999 (\$5,000 each) <u>Bearer Bonds</u> 1727 1970

Registered Bonds called in the amount indicated below
R295 \$5,000 R298 \$5,000 R539 \$5,000 R631 \$40,000

INSTRUCTIONS

 Send your bond by registered or certified mail, return receipt requested or present it to:

> Security Bank of Kansas City Corporate Trust Division One Security Plaza Kansas City, Kansas 66101 Attn: Bond Redemption Desk

2. Pursuant to the terms of the Internal Revenue Code, the paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a valid Taxpayer Identification Number.

3. The CUSIP Number is included solely for the convenience of the Bondholders. Neither the Issuer nor the Paying Agent shall be responsible for the selection or the use of the CUSIP Number, nor is any representation made as to its correctness on the securities or as indicated in any redemption notice.

 Interest on the bonds herein called for redemption shall cease to accrue on and after May 1, 1995.

Security Bank of Kansas City
Corporate Trust Division

Dated: March 30, 1995

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments were filed March 11-24:

Kansas Cavalry

John Prather, Commanding General, 1833 Ridge Road, El Dorado, 67042. Serves at the pleasure of the Governor.

State Board of Education

Harold R. Hosey, 1015 W. 18th, Emporia, 66801. Term expires when a successor is elected and qualifies according to law. Succeeds Connie Hubbell, resigned.

Office of the Governor

(2nd Floor, State Capitol, 300 S.W. 10th, Topeka, 66612. Governor's staff serve at the pleasure of the Governor.)

Ron Green, Director of Governmental and Constituent Services

Roselie Orr, Senior Constituent Services Liaison

Governor's Commission on School-to-Work

(Executive Order No. 94-164. Members serve at the pleasure of the Governor.)

Wayne H. Begun, 4104 W. 93rd, Prairie Village, 66207. Barbara Cole, K-NEA, 715 S.W. 10th, Topeka, 66612. Bill Docking, P.O. Box 928, Arkansas City, 67005.

Lee Droegemueller, Commissioner of Education, Department of Education, 120 S.E. 10th, Topeka, 66612.

Jim Edwards, KCCI, 835 S.W. Topeka Blvd., Topeka, 66612.

Eddie Estes, Western Kansas Manufacturers Association, P.O. Box 1382, Dodge City, 67801.

Wayne Franklin, Secretary of Human Resources, Department of Human Resources, 401 S.W. Topeka Blvd., Topeka, 66603.

Representative Deena Horst, Room 180-W, State Capitol, 300 S.W. 10th, Topeka, 66612.

Connie Hubbell, Department of Social and Rehabilitation Services, Workforce Development, Smith-Wilson Building, 300 S.W. Oakley, Topeka, 66602.

Bill Jarrell, The Boeing Company, P.O. Box 7730, Mail Stop K12-10, Wichita, 67277.

Greg Jones, Wichita Federation of Teachers, 310 W. Central, Suite 110, Wichita, 67202.

Rosemary Kirby, Wichita Area Vocational-Technical School, 201 N. Water, Wichita, 67202.

Senator Barbara Lawrence, Room 143-N, State Capitol, 300 S.W. 10th, Topeka, 66612.

Joe McFarland, 2709 Boswell, Topeka, 66611.

Bill Meek, Kansas Association of School Boards, 19750 S. Pflumm, Bucyrus, 66013.

Laura Meeks, Fort Scott Community College, 2108 S. Horton, Fort Scott, 66701.

Dwayne Peaslee, State Building Trades Association, P.O. Box 4041, Lawrence, 66046.

Roger Pickerign, U.S.D. 452, P.O. Box C, Johnson, 67855.

Norman Scott, AFL-CIO, 501 N. 86th, Kansas City, KS 66112.

Gary Sherrer, Secretary of Commerce and Housing, Department of Commerce and Housing, 700 S.W. Harrison, Suite 1300, Topeka, 66603.

Richard Veach, Pioneer Telephone, 120 N. Baughman, Box 707, Ulysses, 67880.

Charles Warren, Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka, 66603.

Kathleen White, 7137 Booth, Shawnee Mission, 66208. Larry Willis, Seward County Community College, P.O. Box 1037, Liberal, 67901.

Historic Sites Board of Review

J. Eric Engstrom, 125 N. Market, 16th Floor, Wichita, 67201. Term expires June 30, 1998.

Kansas Commission on Human Rights

Robert Wesley, 621 N. 5th, Independence, 67301. Subject to Senate confirmation. Term expires June 30, 1998. Succeeds Jacqueline Sullivan.

Kansas Lottery Commission

James Cates, Chair, 6850 S.W. Aylesbury Road, Topeka, 66610. Succeeds Mary Kay Peltzer.

Paul M. Steele, 1045 Villa Vista Drive, Colby, 67701. Subject to Senate confirmation. Term expires June 15, 1998.

Kansas Racing Commission

Gene M. Olander, 1811 S.W. Westwood Drive, Topeka, 66604. Subject to Senate confirmation. Term expires June 30, 1997. Succeeds Oscar H. Peltzer, resigned.

Kansas State Fair Board

Al Campbell, 919 W. 4th, Larned, 67550. Term expires March 14, 1997.

Floyd Coen, Route 1, Box 41, Elkhart, 67950. Term expires March 14, 1998.

Charles Craig, Route 2, Box 235, Winfield, 67156. Term expires March 14, 1996.

Representative George Dean, 2646 Exchange Place, Wichita, 67217. Statutory member.

Alice Devine, Secretary of Agriculture, Department of Agriculture, 901 S. Kansas Ave., Topeka, 66612. Statutory member.

Lori Fink, 7101 Anderson Ave., Manhattan, 66502. Term expires March 14, 1997.

Marc Johnson, 1515 College Ave., Manhattan, 66502. Statutory member.

Mary Alice Lair, Route 1, Piqua, 66761. Term expires March 14, 1998.

Jan Peters, 177 N. Walnut, Hutchinson, 67501. Term expires March 14, 1997.

Brad Rayl, 4912 N. Kent Road, Hutchinson, 67502. Term expires March 14, 1998.

Glenna Rindt, 2 R Ranch, Box 134, Herington, 67449. Term expires March 14, 1998.

Gary Sherrer, Secretary of Commerce and Housing, Department of Commerce and Housing, 700 S.W. Harrison, Suite 1300, Topeka, 66603. Statutory member.

Ann Marie Worley, Route 2, Box 141, Atwood, 67730. Term expires March 14, 1996.

Ron Thornburgh Secretary of State

State of Kansas

Grain Inspection Department

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Monday, May 1, in the conference room of the Kansas State Grain Inspection Department office, Suite 800, 700 S.W. Jackson, Topeka, to consider the proposed amendment of existing rules and regulations on a temporary and a permanent basis.

The temporary regulation, if adopted, will become effective upon approval of the State Rules and Regulations Board and filing with the Secretary of State.

K.A.R. 25-4-1 covers fees for services performed by the Kansas State Grain Inspection Department. The department proposes to reduce some fees for unit train loading and provide on-site inspections of carlots of grain. A new service, commercial grain inspection, is also being proposed.

The proposed amendment would reduce fees on unit train inspections, resulting in savings to the shipper and producers. Commercial inspections are less costly for the Kansas State Grain Inspection Department to perform. Savings would be passed on to the customer, and then to the producer. The anticipated increased volume of samples inspected would mean additional revenue for the agency.

All interested parties may submit written comments during the 30-day notice period prior to the hearing to the Director, Kansas State Grain Inspection Department, P.O. Box 1918, Topeka, 66601-1918. All interested parties will be given a reasonable opportunity to present their views on the proposed regulations during the hearing.

Copies of the full text of the regulations and economic impact statement may be obtained by contacting the director of the Kansas State Grain Inspection Department at the address above, (913) 296-3451.

Any individual with a disability may request accomodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accomodation should be made at least five working days in advance of the hearing by contacting Rebecca Fleming at (913) 296-3451 or the Kansas Relay Center at 1-800-766-3777.

Gary M. Bothwell Director

Dire Doc. No. 016072

State of Kansas

The Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-30. Retailer bonus; powerball and cash lotto. (a) On all Powerball and Cash Lotto drawings occurring on or after July 2, 1994, in which the prize claimed and awarded is the "jackpot prize" offered in the game it represents, the Kansas lottery on-line ticket retailer(s) selling the ticket(s) shall receive \$10,000 for Powerball and \$1,000 for Cash Lotto, or share equally in a bonus if there are multiple winners. The bonus shall be in addition to compensation specified in K.A.R. 111-2-4.

(b) A "jackpot prize" is the highest prize awarded for correctly matching all the numbers reflected in the prize structure of the Powerball or Cash Lotto game it represents. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710; effective, T-111-8-5-94, July 15, 1994; amended, T-111-3-22-95, March 16, 1995.)

111-2-34. Bingo retailer incentive promotion. (a) In addition to compensation specified in K.A.R. 111-2-4, the Kansas lottery offers bonus incentive to enhance the sale of "Bingo" instant tickets. To qualify for entry into the drawing, a retailer must, for the period starting April 10, 1995, and ending May 26, 1995:

(1) Place an additional single game instant ticket dispenser for exclusive display of "Bingo" tickets if the retailer has five or fewer single game instant dispensers displayed.

(2) Agree to designate at least one dispenser for exclusive display of "Bingo" tickets if the retailer has six or more single game instant ticket dispensers.

(3) Place an additional single game instant ticket dispenser or designate at least one dispenser game space for exclusive display of "Bingo" tickets if the retailer has an in-counter multiple game dispenser provided by the lottery.

(b) For any retailer meeting the above criteria, the lottery district manager servicing the account will complete an entry form for the retailer and return the form to lottery security at lottery headquarters to be held until the drawing. Each qualifying retailer shall be eligible for only one entry into the drawing.

(c) At the end of the promotion and prior to the drawing, all entries will be placed in a drum at lottery head-quarters by lottery security.

(d) Following the end of the promotion, a random drawing of all eligible retailers will be conducted by the lottery at 11:00 a.m. on Friday, June 2, 1995, at lottery headquarters, in accordance with lottery drawing procedures, to determine the grand prize winner of a trip for four to Orlando, Florida, for four days and three nights starting August 4, 1995. The trip consists of:

(1) Round trip air fare for four to Orlando from Kansas City, Missouri, and transfers to and from the airport in

Orlando.

(continued)

- (2) Two double accommodations for four days and three nights in Orlando at Disney's Dixie Landing Resort on August 4, August 5 and August 6, 1995.
- (3) Four passes to Disney World, including shuttle service.
 - (4) One thousand dollars in cash.
- (e) All prizes will be awarded on Friday, June 2, 1995. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-22-95, March 16, 1995.)

Article 4.—INDIVIDUAL GAME RULES

RULES FOR INSTANT GAME NO. 97 "SUNFLOWER DOUBLER"

- 111-4-683. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Sunflower Doubler" commencing on or after April 10, 1995. The specific rules for the "Sunflower Doubler" game are contained in K.A.R. 111-3-1 et seq. and 111-4-683 through 111-4-686. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-22-95, March 16, 1995.)
- **111-4-684. Definitions.** The following definitions shall apply to the "Sunflower Doubler" instant lottery game:
- (a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: FREE \$2.\omegame \$5.\omegame 10.\omegame 20.\omegame \$2500 \$5000 image of a sunflower.
- (b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

| Game Symbol | Game Symbol Caption |
|----------------------|---------------------|
| FREE | TICKET |
| \$2.00 | TWO\$ |
| \$5. ∞ | FIVE\$ |
| 10.00 | TEN\$ |
| 20.00 | TWENTY |
| \$2500 | 25-HUN |
| \$5000 | FIVETHOU |
| Image of a sunflower | DOUBLER |

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears below the game symbols under the removable covering in the play area on the front of each instant ticket.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and

end with 299. The book-ticket number is printed in black ink on back of each instant game ticket below the bar code.

- (e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE FREE; TWO \$2.00; FOR \$4.00; FIV \$5.00; TEN \$10.00; TWY \$20.00; FRY \$40.00.
- (f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-22-95, March 16, 1995.)

111-4-685. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six game symbols and captions. This is a match three of six game which includes a doubler. If three of the six concealed prize amounts match, the player wins the amount shown. If two of the six concealed prize amounts match and a doubler symbol is found, the player wins double the prize amount. No ticket will be eligible to win more than one prize. Prizes a player may win are as follows:

| Get : | Win |
|--|-----------------------|
| 3 - FREE's | Free Ticket |
| 3 - \$2.00 | Two Dollars |
| | Four Dollars |
| | Five Dollars |
| 2 - \$5.00 + Doubler | Ten Dollars |
| | Ten Dollars |
| 2 - \$10.00 + Doubler | Twenty Dollars |
| 3 - \$20.00 Street State 185 | Twenty Dollars |
| 2 - \$20.00 + Doubler | Forty Dollars |
| 3 - \$2500.00 | Two Thousand Five |
| The state of the s | Hundred Dollars |
| 2 - \$2500.00 + Doubler | Five Thousand Dollars |
| 3 - \$5,000.00 | Five Thousand Dollars |

(Authorized by K.S.A. 74-8710(b), (c) & (i); implementing K.S.A. 74-8710(b), (c) & (i) and 74-8720 (b) & (d); effective, T-111-3-22-95, March 16, 1995.)

111-4-686. Number and value of instant prizes. (a) There will be approximately 2,100,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

| Prizes | Expected Number of Prizes in Game | Expected Value in Game |
|----------------|--------------------------------------|---------------------------|
| 3 - FREE's | 210,000 | \$ 0 |
| 3 - \$2's | 70,000 | 140,000 |
| 2 - \$2's (*) | 21,000 | 84,000 |
| 3 - \$5's | 49,000 | 245,000 |
| 2 - \$5's (*) | 14,000 | 140,000 |
| 103 - \$10's | 7,000 | 70,000 |
| 2 - \$10's (*) | 7,000 | 140,000 |
| 3 - \$20's | 7,000 | 140,000 |
| 2 - \$20's (*) | 2,625 | 105,000 |

| 3 - \$2,500's | 5 | 12,500 |
|-------------------|---------|-------------|
| 2 - \$2,500's (*) | 2 | 10,000 |
| 3 - \$5,000's | 2 | 10,000 |
| | 387,634 | \$1,096,500 |

(*) denotes doubler

- (b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually
- (c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 74-8710(b), (c) & (f); implementing K.S.A. 74-8710(b), (c) & (f); and 74-8720; effective, T-111-3-22-95, March 16, 1995.)

RULES FOR INSTANT GAME NO. 98 "MONEY BAGS"

111-4-687. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Money Bags" commencing on or after April 10, 1995. The specific rules for the "Money Bags" game are contained in K.A.R. 111-3-1 et seg. and 111-4-687 through 111-4-690. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-22-95, March 16, 1995.)

111-4-688. Definitions. The following definitions shall apply to the "Money Bags" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI Symbol font with matching captions in WGI Cap font. A game symbol appears in each of the nine play spots within the play area. Each game symbol for this instant game is one of the following: - \$2.^{\infty} - \$5.^{\infty} - 10.^{\infty} - 20.^{\infty} - 40.^{\infty} - \$100\$ - \$1000 image of a money bag.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol Caption Game Symbol TWO\$ \$2.00 \$5.00 FIVE\$ 10.00 TEN\$ TWENTY 20.00 40.00 FORTY \$100\$ ONE-HUN \$1000 ONE-THOU Image of a money bag **MNYBAG**

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears below the game symbols under the latex covering in the play area on the front of each instant ticket.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket below the bar

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three letter code printed and appearing in two of six varying locations among the game symbols. The codes and their meanings are as follows: TWO - \$2.00; FIV - \$5.00; TEN -\$10.00; TWY - \$20.00; FRY - \$40.00; HUN - \$100.00.

(f) "Bar code" means the 16-digit bar coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-22-95, March 16, 1995.)

111-4-689. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the nine game symbols and captions. This is a match three of nine game. If three of the nine concealed prize amounts match, the player wins the prize amount shown. No ticket will be eligible to win more than one prize. Prizes a player may win are as follows:

| | Get | Win |
|--------|--------|----------------------|
| 3 - \$ | 2.00 | Two dollars |
| 3 - \$ | 5.00 | Five dollars |
| 3 - \$ | 10.00 | Ten dollars |
| | 20.00 | Twenty dollars |
| | 40.00 | Forty dollars |
| | 100.00 | One hundred dollars |
| | 000.00 | One Thousand dollars |

(Authorized by K.S.A. 74-8710(b), (c) & (i); implementing K.S.A. 74-8710(b), (c) & (i) and 74-8720 (b) & (d); effective, T-111-3-22-95, March 16, 1995.)

111-4-690. Number and value of instant prizes. (a) There will be approximately 2,100,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

| Prizes | Expected Number of Prizes in Game | Expected Value in Game |
|-----------------|-----------------------------------|---------------------------|
| \$2 | 245,000 | \$ 490,000 |
| \$ 5 | 70,000 | 350,000 |
| \$10 | 14,000 | 140,000 |
| \$20 | 7,000 | 140,000 |
| \$40 | 2,100 | 84,000 |
| \$100 | 70 | 7,000 |
| \$1,000 | 14 | 14,000 |
| | 338,184 | \$1,225,000 |

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 74-8710(b), (c) & (f); imple-(continued)

menting K.S.A. 74-8710(b), (c) & (f); and 74-8720; effective, T-111-3-22-95, March 16, 1995.)

RULES FOR INSTANT GAME NO. 96 "QUEEN OF HEARTS"

111-4-691. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Queen of Hearts" commencing on or after April 6, 1995. The specific rules for the "Queen of Hearts" game are contained in K.A.R. 111-3-1 et seq. and 111-4-691 through 111-4-694. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-22-95, March 16, 1995.)

111-4-692. Definitions. The following definitions shall apply to the "Queen of Hearts" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 10 point WGI font with matching captions in WGI Cap font. A game symbol appears in the "WINNING CARD" area and in the "YOUR CARDS" area within the play area. Each game symbol for this instant game is one of the following: $$1.^{\infty}$ - $$5.^{\infty}$ - $10.^{\infty}$ - $30.^{\infty}$ - \$100\$ - \$2500 and 2 - 3 - 4 - 7 - 8 - 9 - J - Q - K - A - and the image of a heart.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated

with each game symbol is as follows:

| Game Symbol | Game Symbol Caption |
|---|-----------------------------|
| \$1.00 | ONE\$ |
| \$5.00 | FIVE\$ |
| 10.00 | TEN\$ |
| 30.00 | THIRTY |
| \$100\$ - A Color | ONE-HUN |
| \$2500 | 25-HUN |
| 2 | TWO |
| Park San Bar 🕉 ya Majarak 🔻 | THR |
| ાર્જી મું ઉપરાંભ એકા 🗗 છે કો પ્રોક્ષાનો કરી | FOR |
| ika njenjanjar z apanjar n | SEV |
| 20분 - 10분기는 연절 - 8년 10분 1일 10분 | EGT |
| 9. J. | NIN |
| . The first ${f J}$ is the second ${f J}$ in the second ${f J}$, ${f J}$ | JAK |
| $\mathcal{C}^{(n)}$ | OEN |
| | NAS PROBE KING AND A |
| | ACE |
| Image of a heart | HRT |
| | 医甲基酚 说:"你就算你,就想你可以解你一个人说话。 |

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears below the latex covering on the front of each instant ticket.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black

ink on the back of each instant game ticket below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a threeletter code printed and appearing in three of six varying locations among the game symbols in the play area. The codes and their meanings are as follows: ONE - \$1.00; TWO - \$2.00; THR - \$3.00; FIV - \$5.00; TEN - \$10.00; FTN - \$15.00; TRY - \$30.00; HUN - \$100.00. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-22-95, March 16, 1995.)

111-4-693. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play areas entitled "WINNING CARD" and "YOUR CARDS" to reveal the game symbols and captions in the play area. If any of the four cards under the "YOUR CARDS" area matches the card in the "WINNING CARD" area, the player wins the amount shown directly under the matching card or cards in the "YOUR CARDS" area. Should the "HEART" symbol appear in the "YOUR CARDS" area, the player automatically wins the amount under the "HEART." A player can win up to three times on a single ticket. (Authorized by K.S.A. 74-8710(b), (c) and (i); implementing K.S.A. 74-8710(b), (c) and (i) and 74-8720(b) and (d); effective, T-111-3-22-95, March 16, 1995.)

111-4-694. Number and value of instant prizes. (a) There will be approximately 2,100,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

| Prizes | Expected Number of Prizes in Game | Expected Value in Game |
|---------------------------|--------------------------------------|---------------------------|
| \$1 | 161,000 | \$ 161,000 |
| \$2 (\$1 + \$1) | 105,000 | 210,000 |
| \$3 (\$1 + \$1 + \$1) | 56,000 | 168,000 |
| \$5 | 28,000 | 140,000 |
| \$10 | 7,000 | 70,000 |
| \$10 (\$5 + \$5) | 14,000 | 140,000 |
| \$15 (\$5 + \$5 + \$5) | 14,000 | 210,000 |
| \$30 | 700 | 21,000 |
| \$30 (\$10 + \$10 + \$10) | 2,800 | 84,000 |
| \$100 | 49 | 4,900 |
| \$2,500 | 5 | 12,500 |
| | 388,554 | \$1,221,400 |

- (b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually
- (c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 74-8710(b), (c) and (f); implementing K.S.A. 74-8710(b), (c) and (f) and 74-8720; effective, T-111-3-22-95, March 16, 1995.)

Gregory P. Ziemak **Executive Director**

> C. WASS main.

Doc. No. 016075

4000

Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that the following bills are correct copies of the original enrolled bills now on file in my

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

> Ron Thornburgh Secretary of State

(Published in the Kansas Register March 30, 1995.)

SENATE BILL No. 21

AN ACT concerning the bank commissioner fee fund; time of payments thereto; amending K.S.A. 1994 Supp. 9-1703 and repealing the existing section:

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1994 Supp. 9-1703 is hereby amended to read as follows: 9-1703. (a) The expense of every regular examination, together with the expense of administering the banking and savings and loan laws, including salaries, travel expenses, supplies and equipment, shall be paid by the banks and savings and loan associations of the state, and for this purpose the bank commissioner shall, prior to the beginning of each fiscal year, make an estimate of the expenses to be incurred by the department during such fiscal year. From this total amount the commissioner shall deduct the estimated amount of the anticipated annual income to the fund from all sources other than bank and savings and loan association assessments. The commissioner shall allocate and assess the remainder to the banks and savings and loan associations in the state on the basis of their total assets, as reflected in the last preceding March 31 report called for by the commissioner federal deposit insurance corporation under the provisions of K.S.A. 0-1704, section 7 of the federal deposit insurance act, 12 USC 1817 and amendments thereto or K.S.A. 17-5610 and amendments thereto, except that the annual assessment will not be less than \$1,000 for any bank or savings and loan association.

(b) The expense of every regular trust examination, together with the expense of administering trust laws, including salaries, travel expenses, supplies and equipment, shall be paid by the trust companies and trust departments of banks of this state, and for this purpose, the bank commissioner, prior to the beginning of each fiscal year, shall make an estimate of the trust expenses to be incurred by the department during such fiscal year. The commissioner shall allocate and assess the trust departments and trust companies in the state on the basis of their total fiduciary assets, as reflected in the last preceding year-end December 31 report filed with the commissioner pursuant to K.S.A. 9-1704 and amendments thereto, except that the annual assessment will not be less than \$1,000 for any active trust department or trust company. A trust department or a trust company which has no fiduciary assets, as reflected in the last preceding year-end report filed with the commissioner, may be granted inactive status by the commissioner and the annual assessment shall not be more than \$100 for an inactive trust department or trust company.

(c) A statement of each assessment made under the provisions of subsection (a) or (b) shall be sent by the commissioner to each bank, savings and loan association, trust department and trust company on or before July 1 or the next business day thereafter. One half the amount so assessed to each bank, savings and loan association, trust department or trust company shall be paid by it to the bank commissioner on or before July 15 and the remainder shall be paid on or before January 15 of the next year If a bank, savings and loan association or trust company exists as a corporate entity with the secretary of state's office as of the close of business on June 30, and is authorized by the office of the state bank commissioner to conduct banking, savings and loan or trust business, onehalf of the amount so assessed shall be due and payable on or before July 15. If a bank savings and loan association or trust company exists as a corporate entity with the secretary of state's office as of close of business on December 31, and is authorized to conduct banking, savings and loan or trust business, the remaining one-half of the amount assessed shall be due and payable on or before January 15. Any expenses incurred or services performed on account of any bank, trust department or trust company or other corporation which are outside of the normal expense of an examination required under the provisions of K.S.A. 9-1701, and amendments thereto or K.S.A. 17-5612 and amendments thereto, shall be charged to and paid by the corporation for whom they were incurred or performed. The commissioner may impose a penalty upon any bank, savings and loan association, trust department or trust company which fails to pay its annual assessment. The penalty shall be assessed in the amount of \$50 for each day the assessment is not paid. The counting period for such penalty will begin February 1 or August 1.

The bank commissioner shall remit all moneys received by or for such commissioner from such examination fees to the state treasurer at least monthly. Upon receipt of each remittance, the state treasurer shall deposit the entire amount in the treasury. Twenty percent of each deposit shall be credited to the state general fund and the balance shall be credited to the bank commissioner fee fund. All expenditures from the bank commissioner fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the bank commissioner or by a person or persons designated by the commissioner.

(d) As used in this section, "savings and loan association" means a

Kansas state-chartered savings and loan association.

(e) In the event a bank, savings and loan association or trust company is merged into, consolidated with, or the assets and liabilities of which are purchased and assumed by another bank, savings and loan association or trust company, between the preceding March 31, for banks and savings and loan associations, or the preceding December 31, for trust companies, and July 1, the surviving or acquiring bank, savings and loan association or trust company is obligated to pay the assessment on the assets merged, consolidated or assumed for the fiscal year commencing July 1.

Sec. 2. K.S.A. 1994 Supp. 9-1703 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 30, 1995.)

SENATE BILL No. 249

AN ACT relating to banks; life insurance; amending K.S.A. 1994 Supp. 9-1101 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

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Section 1. K.S.A. 1994 Supp. 9-1101 is hereby amended to read as follows: 9-1101. Any bank hereby is authorized to exercise by its board of directors or duly authorized officers or agents, subject to law, all such powers, including incidental powers, as shall be necessary to carry on the business of banking, and:

(1) To receive deposits and to pay interest thereon at rates which need not be uniform. The state bank commissioner, with approval of the state banking board, may by regulations of general application fix maximum rates of interest to be paid on deposit accounts other than accounts for public moneys;

to buy and sell exchange, gold, silver, foreign coin, bullion, com-

mercial paper, bills of exchange, notes and bonds;

(3) to buy and sell bonds, securities, or other evidences of indebtedness of the United States of America or those fully guaranteed, directly or indirectly, by it, and general obligation bonds of the state of Kansas or any municipality or quasi-municipality thereof, and of other states, and of municipalities or quasi-municipalities in other states of the United States of America. No bank shall invest an amount in excess of 15% of its capital stock paid in and unimpaired and the unimpaired surplus fund of such bank in bonds, securities or other evidences of indebtedness of any municipality or quasi-municipality of any other state or states of the United States of America: (a) If and when the direct and overlapping indebtedness of such municipality or quasi-municipality is in excess of 10% of its assessed valuation, excluding therefrom all valuations on intangibles and homestead exemption valuation; (b) or if any bond, security, or evidence of indebtedness of any such municipality or quasi-municipality has been in default in the payment of principal or interest within 10 years prior to the time that any bank acquires any such bonds, security or evidence of indebtedness;

(4) to make all types of loans, including loans on real estate, subject to the loan limitations contained in this act. Every real estate loan shall be secured by a mortgage or other instrument constituting a lien, or the

(continued)

full equivalent thereof, upon the real estate securing the loan, according to any lawful or well recognized practice, which is best suited to the transaction. The mortgage may secure future advances. The lien of such mortgage shall attach upon its execution and have priority from time of recording as to all advances made thereunder until such mortgage is released of record. The lien of such mortgage shall not exceed at any one time the maximum amount stated in the mortgage;

(5) to discount and negotiate bills of exchange, negotiable notes and

notes not negotiable;

(6) to buy and sell investment securities which are evidences of indebtedness. The buying and selling of investment securities shall be limited to buying and selling without recourse marketable obligations evidencing indebtedness of any person, copartnership, association, corporation, or state or federal agency, including revenue bonds issued pursuant to K.S.A. 76-6a15, and amendments thereto, or the state armory board in the form of bonds, notes or debentures or both, commonly known as investment securities, under such further definition of the term "investment securities" as prescribed by the board, but the total amount of such investment securities of any one obligor or maker held by such bank shall at no time exceed 15% of the capital stock paid in and unimpaired and the unimpaired surplus fund of such bank except that this limit shall not apply to obligations of the United States government or any agency thereof. If the obligor is a state agency including any agency issuing revenue bonds pursuant to K.S.A. 76-6a15, and amendments thereto, or the state armory board, the total amount of such investment securities shall at no time exceed 25% of the capital stock paid in and unimpaired and the unimpaired surplus fund of such bank;

(7) to subscribe to, buy and own such stock of the federal national mortgage association as required by title 3, section 303 of the federal act known as the national housing act as amended by section 201 of public law No. 560, of the United States (68 Stat. 613-615), known as the housing

act of 1954, or amendments thereto;

(8) to subscribe to, buy and own stock in one or more small business investment companies in Kansas as otherwise authorized by federal law, except that in no event shall any bank acquire shares in any small business investment company if, upon the making of that acquisition the aggregate amount of shares in small business investment companies then held by the bank would exceed 5% of its capital and surplus. Nothing in this act contained shall prohibit any bank from holding and disposing of such real estate and other property as it may acquire in the collection of its assets;

(9) to subscribe to, buy and own stock in any agricultural credit corporation or livestock loan company, or its affiliate, organized pursuant to the provisions of the laws of the United States providing for the information and operation of agricultural credit corporations and livestock loan companies, in an amount not exceeding either the undivided profits or 10% of the capital stock and surplus and undivided profits from such

bank, whichever is greater;

(10) to become the owner or lessor of personal property acquired upon the specific request and for the use of a customer, and may incur such additional obligations as may be incident to becoming an owner or lessor of such property. Any bank which claims a credit against its privilege tax of any amount of ad valorem taxes on property acquired pursuant to this subsection shall not be designated as a depository for any state funds by the pooled money investment board. Lease transactions shall not result in obligations for the purpose of determining limitations or restrictions on the amount of loans. Lease payments on such transactions shall be considered rents and not interest;

(11) to subscribe to, buy and own stock in minbanc capital corporation, a company formed for the purpose of providing capital to minorityowned banks. No bank's investment in such stock shall exceed 2% of its

capital and surplus,

(12) to buy, hold, and sell any type of investment securities not enumerated in this section with approval of the commissioner and upon such conditions and under such regulations as are prescribed by the state banking board;

(13) to act as escrow agent;

(14) to subscribe to, acquire, hold and dispose of stock of a corporation having as its purpose the acquisition, holding and disposition of loans secured by real estate mortgages, and to acquire, hold and dispose of the debentures and capital notes of such corporation. No bank's investment in such stock, debentures and capital notes shall exceed 2% of its capital stock, surplus and undivided profits and such investment shall be carried on the books of the bank as directed by the commissioner;

(15) to purchase and sell securities and stock without recourse solely

upon the order, and for the account, of customers;

(16) to subscribe to, acquire, hold and dispose of any class of stock, debentures and capital notes of MABSCO agricultural services, inc. or any similar corporation having as its purpose the acquisition, holding and disposition of agricultural loans originated by Kansas banks. No bank's investment in such stock, debentures and capital notes shall exceed 2% of its capital stock, surplus and undivided profits. Such investment shall be carried on the books of the bank as directed by the commissioner;

(17) to buy, hold and sell mortgages, stock, obligations and other securities which are issued or guaranteed by the federal home loan mortgage corporation under sections 305 and 306 of the federal act known as the federal home loan.

the federal home loan mortgage corporation act (P.L. 91-351);
(18) to buy, hold and sell obligations or other instruments or securities, including stock, issued or guaranteed by the student loan marketing

association created by (P.L. 92-318) of the United States;

(19) to engage in financial future contracts on United States government and agency securities subject to such rules and regulations as the state bank commissioner may prescribe pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices;

(20) to subscribe to, buy and own stock in a state or federally chartered bankers' bank or a one bank holding company which owns or controls such a bankers' bank, except no bank's investment in such stock shall

exceed 10% of its capital stock, surplus and undivided profits;

(21) subject to such rules and regulations as the state bank commissioner may adopt pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices, upon recorded prior approval by the board of directors of the initial investment in a specific company and pursuant to an investment policy approved by the board of directors which specifically provides for such investments to buy, hold and sell shares of an open-end investment company registered with the federal securities and exchange commission under the federal investment company act of 1940 and the federal securities act of 1933 and of a privately offered company sponsored by an affiliated commercial bank, the shares of which are purchased and sold at par and the assets of which consist solely of securities which may be purchased by the bank for its own account. Such shares may be purchased without limit if the assets of the company consist solely of and are limited to obligations that are eligible for purchase by the bank without limit. If the assets of the company include securities which may be purchased by the bank subject to limitation, such shares may be purchased subject to the limitation applicable to purchase by the bank of such securities;

(22) subject to the prior approval of the state bank commissioner and the state banking board and subject to such rules and regulations as are adopted by the state bank commissioner pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices, a bank may establish a subsidiary which engages in the following securities activities: (a) selling or distributing stocks, bonds, debentures, notes, mutual funds and other securities, (b) issuing and underwriting municipal bonds, (c) organizing, sponsoring and operating mutual funds, (d) acting

as a securities broker-dealer;

(23) to subscribe to, acquire, hold and dispose of stock of any class of the federal agricultural mortgage corporation, a corporation having as its purpose the acquisition, holding and disposition of loans secured by agricultural real estate mortgages. No bank's investment in such corporation shall exceed 5% of its capital stock, surplus and undivided profits and such investment shall be carried on the books of the bank as directed by the commissioner;

(24) to subscribe to, buy and own stock in an insurance company incorporated prior to 1910, under the laws of Kansas, with corporate headquarters in this state, which only provides insurance to financial institutions. The investment in such stock shall not exceed 2% of the bank's

capital stock, surplus and undivided profits;

(25) to purchase and hold an interest in life insurance policies on the life of its executive officers and directors, and to purchase life insurance policies for the sole purpose of providing employee deferred compensation and benefit plans subject to the limitations listed hereiff. If the bank has the authority to direct the investments of the cash surrender value of the policy, those investments shall be limited solely to assets which may be directly purchased by the bank for its own account. The limitations set forth in subsections (a) and (b) below do not apply to any such life insurance policies in place before July 1, 1993. Funding for the payment of employee compensation and benefit plans as well as the benefits derived may be made or split in a joint manner between the bank, employee or bank holding company as in "split dollar" or other insurance plans:

(a) Life insurance purchased and held on the life of executive officers

and directors are subject to the following limitations:

- (i) The cash surrender value of any life insurance policy on an executive officer or director underwritten by any one life insurance company cannot at any time exceed 15% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner;
- (ii) the cash surrender value of life insurance policies on executive officers or directors, in the aggregate from all companies, cannot at any time exceed 25% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner:
- (iii) the authority to hold life insurance on any executive officer ceases if the executive officer is no longer employed by the bank or no longer meets the definition of an executive officer;

(iv) the authority to hold life insurance on a director ceases when that director is no longer a member of the board of directors;

(v) the bank's board of directors must approve and document the purchase of any life insurance, including the reasonableness of such purchase; and

(vi) except as part of a reasonable compensation or benefit plan, a bank is not authorized to purchase life insurance as an estate management device for the benefit of officers, directors or employees who are also controlling shareholders of the bank.

(b) Life insurance purchased for the sole purpose of providing deferred compensation and benefit plans are subject to the following

limitations:

(i) The bank may purchase individual or group policies for the sole purpose of providing deferred compensation agreements entered into with its officers and employees;

(ii) the bank may purchase policies on directors to fund a deferred

directors fees program;

(iii) the board of directors must approve and document such deferred

plans including the reasonableness of the plans;

 (iv) the bank is not authorized to hold the policies unless specifically approved by the state banking board if no liability exists under the deferred compensation plans;

(v) the cash surrender value of any life insurance policy purchased for the sole purpose of providing deferred compensation and benefit plans, underwritten by any one life insurance company, cannot exceed at any time, 15% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner; and

(vi) the cash surrender value of life insurance policies purchased for the sole purpose of providing deferred compensation and benefit plans, in the aggregate from all companies, cannot at any time exceed 25% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner; and

(vii) the present value of the projected each flow from the policy must not substantially exceed the present value of the projected cost of the

deferred compensation or benefit program liabilities;

(26) to make loans to the bank's stockholders or the stockholders of the bank's controlling bank holding company on the security of the shares of the bank or shares of the bank's controlling bank holding company, with the limitation that this may occur only if the bank would have extended credit to such stockholder on exactly the same terms without the shares pledged as collateral, and provided the shares pledged are not a director's qualifying shares per K.S.A. 9-1117, and amendments thereto; and

(27) to make investments in and loans to community development corporations (CDCs) and community development projects (CD projects) as defined in K.S.A. 9-701 and amendments thereto, subject to the limitations prescribed by the comptroller of the currency as interpreted by rules and regulations which shall be adopted by the state bank commissioner as provided by K.S.A. 9-1713 and amendments thereto.

Sec. 2. K.S.A. 1994 Supp. 9-1101 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 30, 1995.)

HOUSE BILL No. 2104

An ACT concerning pest control; relating to pesticide business services forms; amending K.S.A. 2-2455 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2-2455 is hereby amended to read as follows: 2-2455. (a) Each pesticide business shall present to each customer for whom such business performs a pest control service involving the application of pesticides a written statement of services or contract setting forth the following information: (1) Business name and address of the pesticide business licensee;

(2) name and address of the customer;

(3) pest or pests to be controlled, which may be stated in general terms;

(4) pesticide to be used including the kind, rate of application, concentration and quantity applied including the quantity applied and total area to which the pesticide is applied;

(5) the concentration or rate of application, when applicable; (5) (6) the date and location of the application of the pesticide;

(6) (7) the expiration date of all guarantees, if any be given;

(7) (8) the signature of the individual who performed or supervised the performance of the pest control service or the application of pesticides;

(8) (9) the wind direction and velocity, when applicable; and

(0) (10) that the application was less than label rate, when applicable.
(b) Whenever the service involving the application of pesticides is performed for the purpose of controlling termites, powder-post beetles, wood borers, wood-rot fungus or any other wood destroying pest, the following information shall be included in addition to that required under subsection (a): (1) The conditions under which retreatments, if any are to be made;

(2) the approximate date or dates of inspections, for any to be made

after the original application of the pesticide; and

(3) a diagram of the structure to be treated, showing the location of visible evidence of active and inactive infestations by any wood destroying pest or pests for which the treatment is proposed; where a partial or spot treatment is to be made, this diagram shall also show the area or areas of the structure which are to be treated.

(c) The required written statement of services or contract for services involving the application of pesticides may be incorporated into any business form used by the pesticide business licensee. The written statement of services or contract shall be presented to the customer at a time established by rules and regulations promulgated by the secretary or board. Any pesticide business licensee using aerial methods of applying pesticides may present such information at any time prior to the time payment is accepted. The pesticide business licensee shall retain a copy of each written statement of services or contract in such licensee's files for a period of three years from the expiration date of any written statement of services or contract. Each pesticide business licensee shall faithfully carry out the stipulations set forth in any written statement of services or contract prepared by such licensee or any of its representatives.

(d) Each pesticide business licensee shall make available to the secretary upon request, a copy of any written statement of services or contract, records of all pesticide applications during any specified period, records of all employees who performed any service involving, or in conjunction with, the application of pesticides and any other requested information pertinent to the administration of this act or any rule or reg-

ulation adopted hereunder by the board.

- (e) The secretary shall require certified commercial applicators who are not employed by or otherwise acting for a business licensee to maintain records concerning applications of restricted use pesticides. The secretary shall specify by rules and regulations the information to be contained in such records, which shall be maintained for three years from the date of application of the pesticide concerned. Such records shall be open to inspection by the secretary or the secretary's authorized representative during normal business hours, and copies shall be furnished to the secretary or the secretary's authorized representative upon request.
 - Sec. 2. K.S.A. 2-2455 is hereby repealed.
- Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 30, 1995.)

SENATE BILL No. 25

AN ACT concerning banks and banking; student banks; amending K.S.A. 9-702 and K.S.A. 1994 Supp. 9-701 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1994 Supp. 9-701 is hereby amended to read as follows: 9-701. Unless otherwise clearly indicated by the context, the following words when used in this act, for the purposes of this act, shall have the meanings respectively ascribed to them in this section:

"Bank" means a state bank incorporated under the laws of Kansas.

"Trust company" means a trust company incorporated under the laws of Kansas and which does not accept deposits.

"Board" means the Kansas state banking board. (c)

"Commissioner" means the Kansas state bank commissioner.

"Executive officer" means the chairperson of the board, the president, each vice president, the cashier, the secretary and the treasurer of a bank, unless such officer is excluded by resolution of the board of directors or by the bylaws of the bank or bank holding company from participation, other than in the capacity of a director, in major policymaking functions of the bank or bank holding company, and the officer does not actually participate in major policymaking functions of the bank or bank holding company

"Insured bank" means a state bank whose deposits are insured through the federal deposit insurance corporation or other governmental agency or by an insurer approved by the state commissioner of insurance

for such purpose.

"Îtem" means any check, note, order, or other instrument or memorandum providing for the payment of money, or upon which money may be collected.

(h) "Demand deposits" includes every deposit which is not a "time deposit," "savings deposit" or "negotiable order of withdrawal deposit" as defined in this section.

"Time deposits" means mean "time certificates of deposit" and

"time deposits, open account" as defined in this section.

- "Time certificate of deposit" means a deposit evidenced by a negotiable or nonnegotiable instrument which provides on its face that the amount of such deposit is payable, upon presentation and surrender of the instrument, to bearer or to any specified person or to such person's order:
- (1) On a certain date, specified in the instrument, not less than seven days after the date of the deposit; or
- at the expiration of a certain specified time not less than seven days after the date of the instrument; or

(3) upon notice in writing which is actually required to be given not

less than seven days before the date of repayment.

- (k) "Time deposit, open account" means a deposit, other than a "time certificate of deposit," with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity, which shall be not less than seven days after the date of the deposit, or prior to the expiration of the period of notice which must be given by the depositor in writing not less than seven days in advance of
- "Savings deposit" means a deposit: (1) Which consists of funds deposited to the credit of or in which the entire beneficial interest is held by one or more individuals, or of a corporation, association or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and not operated for profit; or that consists of funds deposited to the credit of or in which the entire beneficial interest is held by the United States, any state of the United States or any county, municipality or political subdivision thereof, or that consists of funds deposited to the credit of, or in which any beneficial interest is held by a corporation, partnership, association or other organization not qualifying above; and (2) with respect to which the depositor is not required by the deposit contract but may at any time be required by the bank to give notice in writing of an intended withdrawal not less than seven days before such withdrawal is made and which is not payable on a specified date or at the expiration of a specified time after the date of deposit.
- "Public moneys" means mean all moneys coming into the custody of the United States government or any board, commission or agency thereof, and also shall mean all moneys coming into the custody of any officer of any municipal or quasi-municipal or public corporation, the

state or any political subdivision thereof, pursuant to any provision of law authorizing any such official to collect or receive the same.

- "Municipal corporation" means any city incorporated under the laws of Kansas.
- "Quasi-municipal corporation" means any county, township, school district, drainage district, or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

"Certificate of authority" means a statement signed and sealed by the commissioner evidencing the authority of a bank or trust company to transact a general business as such.

(q) "Transaction account" means a deposit or account on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone transfers, or other similar device for the purpose of making payments or transfers to third persons or others.

"Nonpersonal time deposit" means a time deposit, including a savings deposit that is not a transaction account, representing funds in which any beneficial interest is held by a depositor which is not a natural

- "Negotiable order of withdrawal deposit" means a deposit on which interest is paid and which is subject to withdrawal by the owner by negotiable or transferable instruments for the purpose of making transfers to third parties, and which consists solely of funds in which the entire beneficial interest is held by one or more individuals, an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit, and with respect to deposits of public funds by an officer, employee or agent of the United States, any state, county, municipality or political subdivision thereof, the District of Columbia, the commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States or any political subdivision thereof.
- "Trust business" means engaging in, or holding out to the public as willing to engage in, the business of acting as a fiduciary for hire, except that no accountant, attorney, credit union, insurance broker, insurance company, investment adviser, real estate broker or sales agent, savings and loan association, savings bank, securities broker or dealer, real estate title insurance company or real estate escrow company shall be deemed to be engaged in a trust company business with respect to fiduciary services customarily performed by them for compensation as a traditional incident to their regular business activities.

(u) "Community development corporation" (CDC) means a corporate entity established by one or more financial institutions or by financial institutions and other investors or members, and operating for the primary purpose of housing development, economic growth and revitalization, small and minority business creation, and other community development initiatives.

"Community development project" (CD project) means a specific project in a particular location, such as a neighborhood, city, county or state, the primary purpose of which is the economic improvement of that area or the provision of housing for low-income and moderate-income persons in that area and any state tax credit equity fund established pursuant to K.S.A. 74-8904, and amendments thereto.

(w) "Student bank" means any nonprofit program offered by a high school accredited by the state board of education, where deposits are received, checks are paid or money is lent for limited in-school purposes.

- K.S.A. 9-702 is hereby amended to read as follows: 9-702. Any individual, firm or corporation, except a national bank or student bank, who shall receive money on deposit, whether on certificates or subject to check, or any individual, firm or corporation, except railroad, transoceanic steamship, air transport, telegraph or Morris plan companies, or building and savings and loan associations, or national banks, student banks; or express companies engaged in an international financial and travel business or credit unions, which shall receive money for which it issues its check, draft, bill of exchange, or other evidence of indebtedness for which it charges a fee, shall be considered as doing a banking business, and shall be amendable to all the provisions of this act. Provided, That Promissory notes issued for money received on deposit shall be held to be considered certificates of deposit for the purposes of this act. Sec. 3. K.S.A. 9-702 and K.S.A. 1994 Supp. 9-701, are hereby
- repealed. Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

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(Published in the Kansas Register March 30, 1995.)

SENATE BILL No. 276

An ACT authorizing the secretary of corrections to exchange and convey certain real property located in Ellsworth county, Kansas.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The secretary of corrections is hereby authorized and empowered to exchange and convey for and on behalf of the state of Kansas all the rights, title and interest in a tract of real estate located in Ellsworth county, Kansas, as set forth below.

(b) Conveyance of such rights, title and interest in such real estate shall be in accordance with the procedures prescribed therefore by the secretary of corrections and shall be executed in the name of the department of corrections by the secretary on behalf of the state of Kansas.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the secretary of corrections until the deeds, titles and conveyances have been reviewed and approved by the attorney general.

Sec. 2. (a) As used in this section, "city of Ellsworth real property" means a tract of land described as follows:

A tract of land in the E ½ Section 17, T 15 S - R 8 W, Ellsworth county, Kansas, more particularly described as follows:

Beginning at a point 30' East of the Center Corner of said Section; Said point being the East right-of-way of the County Road; thence South along the right-of-way for a distance of five hundred sixty two and seventy eight hundredths (562.78') feet to a point; thence East on the North property line of existing Ellsworth Correctional Facility on a bearing of S89°25'09"E for a distance of four hundred (400') feet to a point; thence North parallel with the West property line for a distance of one thousand fifty five (1055') feet to a point; said point being 275' from the centerline of the NW-SE runway; thence on a bearing of N49°00'00"E for a distance of five hundred twenty seven and eighty nine hundredths (527.89') feet to a point; said line being parallel with the NW-SE runway and said point being on the East right-of-way of the county road; thence South along the right-of-way for a distance of eight hundred thirty four and fifty hundredths (834.50') feet to the point of beginning.

The above described tract contains 11.259 acres more or less.

The city of Ellsworth does hereby retain an easement for ingress and egress to the existing airport, more particularly described as follows:

A tract of land 30' each side of the following described centerline. Beginning at a point 30' East of the Center Corner in said section; said point being on the East right-of-way of the county road; thence on a bearing of N7 00'E for a distance of four hundred and three (403') feet to the East property line.

(b) As used in this section, "department of corrections real property" means a tract of land described as follows:

A tract of land in the NE ¼ Section 17, T 15 S - R 8 W, Ellsworth county, Kansas, more particularly described as follows:

Beginning at a point 30' West of the E.¼ Corner of said Section; Said point being on the West right-of-way of K-14 Highway; thence North along the right-of-way for a distance one thousand seventy five and thirty eight hundredths (1075.38') feet to a point; thence parallel to the South ¼ section line for a distance of six hundred and twenty (620.00') feet to a point; thence South parallel with the East property line for a distance of one thousand seventy five and thirty eight (1075.38') feet to a point; said point being on the South ¼ section line; thence East along the ¼ section line for a distance of six hundred and twenty (620.00') feet to the point of beginning.

The above described tract contains 15.306 acres more or less.

The secretary of corrections for and on behalf of the state of Kansas is hereby authorized to exchange and convey the department of corrections real property to the city of Ellsworth, Kansas, in consideration for which the city of Ellsworth, Kansas, will exchange and convey the city of Ellsworth real property to the department of corrections, subject to easements and restrictions of record and as may be agreed between the secretary of corrections and the city of Ellsworth, Kansas. The exchange and conveyance of such real property by the secretary of corrections on behalf of the state of Kansas, shall be executed in the name of the secretary on behalf of the state of Kansas and shall be delivered upon receipt of a good and sufficient warranty deed from the city of Ellsworth to the city of Ellsworth real property. Before such real property is exchanged and conveyed, the attorney general shall approve the instruments of conveyance of the secretary of corrections to the city of Ellsworth, Kansas, and the instruments of conveyance of the city of Ellsworth, Kansas, to the department of corrections and shall approve the title to the real property exchanged and conveyed by the city of Ellsworth, Kansas.

(d) The secretary of corrections may convey the department of corrections real estate on behalf of the state without the necessity of ap-

praisal, bid or publication.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 30, 1995.)

SENATE BILL No. 17

An Act concerning military service records; amending K.S.A. 48-204, 73-209 and 73-210 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 48-204 is hereby amended to read as follows: 48-204. (a) The adjutant general shall:

(1) Be in control of the military department of the state and subordinate only to the governor in matters pertaining to this department. The adjutant general shall the department:

(2) have a general supervision over all the subordinate military departments, to include the department of the army national guard and the department of the air national guard. He or she will;

(3) perform such duties as pertain to the adjutant general's department under the regulations and usage of the army of the United States. The adjutant general will,

(4) superintend the preparation of all returns and reports required by the United States from the state. He or she will require to be furnished;

(5) require a certificate of the military service, in accordance with the records in the adjutant general's office, to be furnished, in accordance with K.S.A. 73-209 and amendments thereto, to any soldier who has served in the army in any of the state military organizations who may apply for the same; said certificate to be furnished without charge to the applicant. The adjutant general shall, and

(6) audit and pass upon all claims of a military character against the state, and no contract of a military nature against the state shall be valid

or paid until approved by him or her the adjutant general.

(b) The adjutant general is empowered to make such authorized to:

(1) Adopt regulations pertaining to the preparation and rendering of reports and returns and to the care and preservation of public property as in his or her the adjutant general's opinion the conditions demand, such regulations to, which regulations shall be operative and in force when promulgated in the form of general orders, circulars, or circular letters. The adjutant general is authorized and empowered to.

(2) administer oaths in matters pertaining to the duties of the office as relates to: (A) Claims against the state, to; (B) the organization of boards of survey, courts-martial, and courts of inquiry;; (C) affidavits covering loss of military property belonging to the state or the United States, to; (D) oaths of office of officers of the Kansas national guard, to; (E) statements and reports required from officers pertaining to property and money accountability and expenditures; and all; and (F) any other official military matters coming before him or her. The adjutant general is authorized to the adjutant general; and

(3) adopt an appropriate seal for use in the office, to be affixed to all oaths that he or she the adjutant general administers under authority of law, and to authenticate all certificates required of him or her the adjutant general.

Sec. 2. K.S.A. 73-209 is hereby amended to read as follows: 73-209. (a) On submission to the adjutant general of an original discharge or other official record of military service of any soldier, sailor or marine of the United States, or of a copy of such discharge or official record of military service certified to by a city, county or state official as being a true copy of original document, the adjutant general shall place such record on permanent file in his office, and shall, upon request of such soldier, sailor or marine, cause to be furnished, without charge, a certificate of military service in accordance with records so filed. Provided, That in ease file in the adjutant general's office. If original documents are submitted, the adjutant general shall cause to be made true copies of such original documents to be made and shall file same in his the copies in the adjutant general's office and the originals thereof shall be returned to the person by whom such originals were who submitted them.

(b) Upon request of a soldier, sailor or marine whose records of military service have been filed in the adjutant general's office, the adjutant general shall cause to be furnished a certificate of military service in accordance with such records. The adjutant general shall not charge any fee for the certificate if the certificate is requested by a person who exhibits correspondence from the United States veterans administration or the Kansas commission on veterans' affairs which indicates that the person is applying for benefits from the United States veterans administration and that such person needs the certificate to obtain such benefits.

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(c) The adjutant general shall transfer to the state archives of the Kansas state historical society for permanent retention any records of military service on file in the adjutant general's office, in accordance with the records retention and disposition schedule for such records approved by the state records board.

Sec. 3. K.S.A. 73-210 is hereby amended to read as follows: 73-210. No city, county or state official shall charge a fee for certifying to the correctness of true copies of original discharges a true copy of an original discharge or other official record of military service of any soldier, sailor or marine of the United States, except that:

(a) The adjutant general may charge a fee unless the copy is requested

by a person who exhibits correspondence from the United States veterans administration or the Kansas commission on veterans' affairs which indicates that the person is applying for benefits from the United States veterans administration and that such person needs the copy to obtain such benefits; and

(b) a register of deeds of a county may charge a fee for copies in excess of the number provided for by K.S.A. 73-210a and amendments thereto.

Sec. 4. K.S.A. 48-204, 73-209 and 73-210 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

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| | 23-4-1 | Revoked | V. 12, p. 1702 | 28-19-275 | New | V. 13, p. 1877 | 28-35-144a | New | V. 13, p. 1299 |
| | 23-6-8 | Revoked | V. 12, p. 1702 | 28-19-300 | v . | · | 28-35-180a | Amended | V. 12, p. 1176 |
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